

Filed

NOV 02 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE RUBINO,

Plaintiff.

No. C 12-05006 EJD (PR)

ORDER OF DISMISSAL

On September 25, 2012, Plaintiff filed a letter complaining of prison conditions which the Clerk of the Court construed as an attempt to file a complaint pursuant to 42 U.S.C. § 1983. On the same day, the Clerk sent Plaintiff a notice that he must submit a complaint within thirty days of the notice to avoid dismissal of the action, and provided a copy of the court's form complaint. (Docket No. 3.) Plaintiff was separately sent a notice that he must either pay the full filing fee or file an In Forma Pauperis ("IFP") Application within thirty days to avoid dismissal of the action; a copy of the application was provided. (Docket No. 2.)

The deadline has since passed and Plaintiff has not submitted a complaint nor an IFP application. Accordingly, this case is DISMISSED without prejudice.

DATED: 11/1/12


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE RUBINO,

Plaintiff.

Case Number CV 12-05006 EJD (PR)

CERTIFICATE OF SERVICE

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/02/12, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Robert M. Rubino, CDC F61501
Donavan Prison
B Yard, Bldg. 9, 148-L
P.O. Box 799002
San Diego, CA 92179-9002

DATED: 11/02/12

Richard W. Wieking, Clerk
By:  Elizabeth Garcia, Deputy Clerk